



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

APR 02 2001

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ms. Remonia Davis  
Environmental Manager  
BGF Industries, Inc.  
401 Amherst Avenue  
Altavista, VA 24517

RE: Notice of Noncompliance  
Docket Number 03-0-0115

Dear Ms. Davis:

On December 15, 1999, the U.S. Environmental Protection Agency, Region III (EPA), conducted an inspection pursuant to the polychlorinated biphenyl (PCB) regulations, 40 C.F.R. Part 761, of BGF Industries, Inc. located in Altavista, Virginia. During the inspection, it was discovered that BGF Industries, Inc. violated the recordkeeping requirements of the PCB regulations as described below:

**Recordkeeping**

The PCB Regulations at 40 C.F.R. § 761.180(a) state, in part, that for PCBs and PCB Items in service or projected for disposal, beginning February 5, 1990, each owner or operator of a facility, other than a commercial storer or a disposer of PCB waste, using or storing at any one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s), or one or more PCB Transformers, or 50 or more PCB Large High or Low Voltage Capacitors shall develop and maintain at the facility, or a central facility provided they are maintained at that facility, all annual records and the written annual document log of the disposition of PCBs and PCB Items. The written annual document log must be prepared for each facility by July 1 covering the previous calendar year (January through December). The annual document log shall be maintained for at least 3 years after the facility ceases using or storing PCBs and PCB Items in the quantities prescribed in 40 C.F.R. § 761.180(a). Annual records (manifests and certificates of disposal) shall be maintained for the same period. The annual records and the annual document log shall be available for inspection at the facility where they are maintained by authorized representatives of EPA during normal business hours, and each owner or operator of a facility subject to these requirements shall know the location of these records. The information to be included in the annual records and annual document log is specified in 40 C.F.R. § 761.180(a)(1) and (2). At the time of the inspection, no annual records or annual document logs for the years 1991 through 1998 were available for review. BGF Industries, Inc.'s failure to develop and/or

maintain annual records and annual document logs for the years 1991 through 1998 in accordance with 40 C.F.R. § 761.180(a) constitute prohibited acts under Section 15 of TSCA, 15 U.S.C. § 2614.

In response to this Notice of Noncompliance (Notice), please submit the annual records and annual document logs for the years 1991 through 1999, and the procedures for maintaining the annual documents.

Section 16 of TSCA authorizes the assessment of a civil penalty of up to \$25,000 per day for each violation of TSCA, Section 15. Pursuant to the Debt Collection Improvement Act of 1996 and the Adjustment of Civil Monetary Penalties for Inflation promulgated thereunder and published at 40 C.F.R. Part 19, the maximum penalty for each violation of TSCA has been increased to \$27,500 per day. Based on the information currently available, EPA is issuing this Notice in lieu of an administrative complaint proposing a civil penalty at this time. Within thirty days (30) of receipt of this Notice, your facility must correct the violations of the PCB regulations described above and submit to EPA the requested information and a written statement certifying that you have corrected these violations.

If you fail to correct the violation and submit the requested information and written certification within the designated time period, EPA may issue an administrative complaint for the assessment of civil penalties for the violations described above. This Notice does not preclude future enforcement actions for the violations cited herein, or for any other violations of statutes and regulations that EPA administers. For your reference, a copy of the PCB Penalty Policy is enclosed.

Please submit the requested information and your written statement certifying compliance with the PCB regulations within 30 days of receipt of this Notice to:

Mr. Scott Rice  
Toxics Programs and Enforcement Branch (3WC33)  
U.S. Environmental Protection Agency  
Region III  
1060 Chapline Street  
Wheeling, WV 26003

Pursuant to the regulations appearing at 40 C.F.R. Part 2, Subpart B, you are entitled to assert a business confidentiality claim covering any part of the submitted information. Unless such a confidentiality claim is asserted at the time the required information is submitted, EPA may make this information available to the public without further notice to you. Information subject to a business confidentiality claim may be made available to the public only to the extent set forth in the above-cited regulations. Any such claim for confidentiality must conform to the requirements set forth in 40 C.F.R. § 2.203(b).

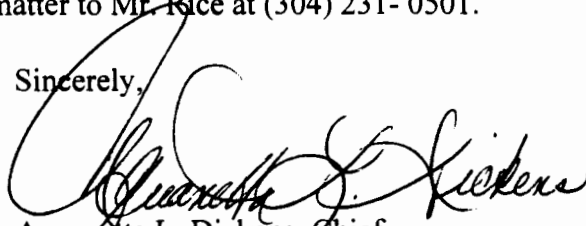
If any portion of your response(s) to this action contains information which you claim as business confidential, you should submit that portion of the response in accordance with the following procedures. The material itself should be marked to indicate that it is claimed confidential. It should be placed in an envelope addressed to the EPA representative identified at the end of this action. The envelope should be marked "Confidential Business Information - To be Opened By Addressee Only." The envelope should then be placed in a second, "outer" envelope addressed to:

Mr. Craig E. Yussen  
Document Control Officer (3WC33)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

The package containing the confidential business information portion of your response should then be mailed, by registered mail, to Mr. Yussen, the Document Control Officer.

Please submit any inquiries on this matter to Mr. Rice at (304) 231- 0501.

Sincerely,



Aquanetta L. Dickens, Chief  
Toxics Programs and Enforcement Branch

Enclosure

cc: Dr. Khizar Wasti, VADOH  
Ms. Erica Dameron, VADEQ